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Phone and Fax: 440-839-2249

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October 4, 2005

AZ CORP COMMISSION **DOCUMENT CONTROL**

Docket Control

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Commissioner William A. Mundell Assistant Director Steven Olea Commissioner Kristine Mayes

Commissioner Mike Gleason

Utilities Engineer Marlin Scott, Jr.

of the Arizona Corporation Commission 1200 W. Washington Street

Phoenix, AZ 85007

RE: Docket NO. W-03514A-0352 Payson Water Co. at Geronimo Estates

Dear Commissioners and Staff:

By reference from several property owners, we have asked Joe Brown to introduce this letter into the proceedings of the above referenced Docket related to water issues in the Elusive Acres and Geronimo Estate area north of Payson, Arizona. Unfortunately, we are unable to appear in person at your scheduled hearing on October 18-19.

As the developers of the subdivision and former owners of the water infrastructure at Elusive Acres (next to Geronimo Estates), we continue to have an interest in the water situation in that area. We continue to hold title to the land on which the well and the storage tank are located, and we continue to have water line easements in our name for the 30 lot Elusive Acres Subdivision.

It is common knowledge in Arizona that water is a critical issue. Therefore, in planning phases and obtaining approvals from all local and state authorities we were extremely animate to provide a sound private water system to serve the potential homeowners in our 30 lot subdivision.

At the time of the original development, we sought to hook on to the Geronimo Estates water system, but we were told by Rich Williamson that a moratorium existed on new water connections. He informed us that we would need to build our own system if we wanted water. Thus, we did just that by developing an economical well, 15 thousand gallon storage and pressure system and a distribution system.

Because of absence of a not yet formed home owners association and very aggressive behavior on the part of United Utilities (predecessor to Brooke Utilities), we lost the \$150,000 water system, with no financial rewards, when eminent domain proceedings were instituted

and the ACC ordered the system (not land) given to United Utilities (Williamson Water Works) with no compensation paid. Because of (1) this dispute, (2) the fact we invested most of our resources in the water system, and (3) the fact we needed to move to Ohio because of family concerns, we left the area and did not have the financial resources to fight this unjust acquisition of our water system.

However, we still have a legal interest in this situation. Over the last 16 years, we have continued to pay the property taxes assessed by Gila County on both the well site and the tank site (see attached bills), and we have received, but not paid, the homeowner association bills issued by the Geronimo Estates HOA (apparently voluntary dues for something we are not part of). Until some time after we moved to Ohio, we did not realize that the United Utilities people with out notifying us, the ACC, or for that matter any party that may have suggested proper legal protocol, unjustifiably had tied our good well (again approved exclusively for our 30 lot project), into the Geronimo system that lacked any significant water resources to serve the 220+ lots in that development. May it also be duly noted that this inappropriate tap and extension traverses private property in Elusive Acres with no legal easement awarded to do so.

In light of the situation, to fairly treat our property buyers and friends in Elusive Acres and our good neighbors in Geronimo Estates, we respectfully request that the Commission (1) allow all lots owners in Elusive Acres immediate water connections per the approved terms we had with the State Real Estate Department, (2) require Payson Water Co. to pay us a minimal, but fair sum for our properties, either in the form of monthly rents or outright purchase of the land, or for the value of the water being removed from our property, (3) require Payson Water Co. to develop adequate new resources to get rid of the 24 year old moratorium in effect in Geronimo Estates, that has also been improperly applied to Elusive Acres, and (4) require Payson Water Co. or your Document Control Center to send us (a) any documentation that reflects the authorization that seemingly brought elusive Acres into the exclusive service area of United Utilities, and (b) that allowed the two water systems to be combined.

Our hearts are still in Elusive Acres, and we wish to see the water from our well used to properly serve the parcels we ultimately sold at distress values because of our loss of control over the water. Again, we believe the ACC should require Brooke Utilities to develop other water to cover the water short fall required to supplement any excess water from Elusive Acres that we agree should continue to be used to meet the needs of Geronimo Estates.

Please let us know what we can do to correct this situation, especially for the benefit of those who we were forced to walk away from over 10 years ago. We look forward to receiving any supposed documentation that reflects the authorizations that seemingly brought Elusive Acres into the exclusive service area of United Utilities, and that also allowed the two water systems to be combined.

Thank you. Please call or write us related to any questions you may have.

Mark Boroski

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ADDRESS: POST OFFICE BOX 109
GLOBE AZ 85502
USE 8800

TAX ROLL NUMBER
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302-13-051

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GLOBE AZ 85502
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